

04/16/01

04-17-01

Patent Case No. 18972PCA

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Assistant Commissioner for Patents  
Washington, D.C. 20231

Prior Application:

Examiner	K. Hauda
Art Unit	1632

This is a request for filing a ☒ Continuation ☐ Divisional

application, under 37 C.F.R. 1.53(b), of pending application Serial No. 08/461,268 filed on

June 5, 1995

(DATE)

of John J. Donnelly, Varavart J Dwarki, Margaret A. Liu, Donna L. Montgomery, Suezanne E. Parker, and John W. Shiver

(INVENTOR)

for NUCLEIC ACID PHARMACEUTICALS INFLUENZA MATRIX

(TITLE OF INVENTION)

1. The enclosed comprises a copy of prior application Serial No. 08/461,268, as filed on June 5, 1995. The entire disclosure of this prior application is hereby incorporated by reference.

2. The filing fee is calculated below:

## CLAIMS AS FILED IN THE PRIOR APPLICATION, LESS ANY CLAIMS CANCELED BY AMENDMENT BELOW

FOR	NUMBER FILED			NUMBER EXTRA		RATE	FEE	
Total Claims	25	-	20	5	x	\$18	\$90	
Independent Claims	11	-	3	8	x	\$80	\$640	
*Multiple Dependent Claims					x	\$270		
Basic Fee (minimum amount required)							\$710	
*Add this fee if application contains any multiple dependent claims, regardless of number.							\$1,440	Total Fee

3. The Assistant Commissioner is hereby authorized to charge any fees which may be required or to credit any overpayment to Account No. 13-2755.

4. ☒ Amend the specification by inserting before the first line the sentence:  
-- This is a ☒ continuation, ☐ division of application Serial No. 08/461,268, filed June 5, 1995.
5. ☐ Cancel in this application original claims: \_\_\_\_\_.
6. ☐ Preliminary amendment enclosed.
7. ☐ Information Disclosure Statement/PTO-1449 enclosed.
- 8a. ☐ Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file.
- 8b. ☐ New formal drawings are enclosed.
- 9a. ☐ Priority of application Serial No. \_\_\_\_\_, filed \_\_\_\_\_, in \_\_\_\_\_ (COUNTRY) is claimed under 35 U.S.C. 119.
- 9b. ☐ The certified copy of the priority application has been filed in prior application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.
10. ☒ The prior application is assigned to Merck & Co., Inc. Rahway, New Jersey.
11. ☒ The undersigned attorney or agent has:  
a. ☐ Power in the prior application as originally filed.  
b. ☒ Associate power, copy enclosed.

## EXPRESS MAIL CERTIFICATE

DATE OF DEPOSIT April 16, 2001

EXPRESS MAIL NO. EL523909305US

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS EXPRESS MAIL "POST OFFICE TO ADDRESSEE" ON THE ABOVE DATE IN AN ENVELOPE ADDRESSED TO ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231.

MAILED BY G.B. Crowley DATE 4/16/01

Respectfully,

*J. Mark Hand*  
By: J. Mark Hand

Attorney \_\_\_\_\_ for Applicant(s)

Registration No. 36,545

Telephone: (732) 594-3905

Address: Merck & Co., Inc.  
Patent Department  
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Rahway, N.J. 07065-0907

Date: April 16, 2001